UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,232	07/02/2001	David James Stevenson	01-494	9022

7590   06/23/2005

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EXAMINER
DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
	Office Action Summary	09/897,232	STEVENSON ET AL.
		Examiner	Art Unit	
		Duyen M. Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 February 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>24 September 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>10|09|01</u>, 1|28|02, 4|22|02, 3|25|03

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Detail Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8-16, 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated

by Justice, Jr. et al (us pat 6418469) (hereinafter Justice).

As regarding claim 1, Justice discloses receiving network management data

(col.1, lines 25-39), and determining if the network management data indicates the

resolution of a previous event generated by the network management system in

response to previously received network management data (col.1, lines 25-67).

As regarding claim 2, Justice discloses if the network management data

indicates the resolution of a previous event, the method further comprises marking the

previous event as resolved (see Fig.8, mark date and time of resolved event).

As regarding claim 3, Justice discloses the network management data is

processed in response to the network management system receiving network

management data from the network (col.1, lines 25-67).

As regarding claim 4, Justice discloses the network management data comprising values of a monitored characteristic of a part of the network for which an event is generated if the monitored value exceeds a predetermined threshold, wherein an event list includes an unresolved previous event for the monitored characteristic, wherein the step of receiving network management data comprises receiving a value for the monitored characteristic, and the step of determining comprises considering whether the monitored value has been below the predetermined threshold for a preceding time period, and if so determining that the received value indicates the resolution of the unresolved previous event (col.3, line s19-67, col.4, lines 1-33).

As regarding claim 8, Justice discloses periodically receiving a value for the monitored characteristic (col.4, lines 19-33); if a received value exceeds a predetermined threshold for the monitored characteristic generating an'event (col.3, lines 43-67, col.4, lines 1-17); and thereafter, periodically considering whether the monitored value has been below the predetermined threshold for a preceding time period, and if so determining that the event is resolved (col.3, lines 26-67).

As regarding claim 9, Justice discloses the preceding time period is an immediately preceding predetermined time period, and the step of periodically considering comprises considering whether the monitored value has been below the predetermined threshold for the immediately preceding time period in response to each subsequently received value (col.3, lines 19-67, col.4, lines 1-33).

As regarding claim 10, Justice discloses the step of considering determines that the event is resolved; the method further comprises marking the event as resolved (see Figure 8, mark the date of the resolved event).

As regarding claim 11, Justice discloses the network management data relating to an asynchronous Trap being received by the network management system, wherein the step of determining comprises considering if the Trap indicates the possible resolution of an event in an event log (col.3, lines 14-67).

As regarding claim 12, Justice discloses if the Trap indicates the possible resolution of an event in an event log, the step of determining further comprises considering whether the event log includes a previously received event that is resolved by the Trap (col.3, lines 14-67).

As regarding claim 13, Justice discloses A method for processing data received in an asynchronous Trap by a network management system, the method comprising: receiving a Trap from the network (col.3, lines 26-35); considering if the Trap indicates the possible resolution of a event in an event log, and if so considering whether the event log includes a previously received event that is resolved by the Trap (col.3, lines 35-67).

As regarding claim 14, Justice discloses the method processes network management data previously received by the network management system and stored in memory (col.3, lines 6-13, database store action list).

As regarding claim 15, Justice discloses the step of receiving network management data comprises receiving event data relating to an event stored in

memory, in response to a scan of previously generated events stored and included in

an event log (col.2, lines 51-67).

As regarding claim 16, Justice discloses the event data relates to a recurring

event and includes the time of the last occurrence of the event (col.2, lines 51-67,

Figure.8).

As regarding claim 22, the limitations are similar to claim 1, therefore rejected

for the same rationale as claim 1.

As regarding claims 23-25, the limitations are similar to claims 1-4, therefore

rejected for the same rationale as claims 1-4.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless .

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Gaffaney et al (us pat 5634008) (hereinafter Gaffaney).

As regarding claim 19, Gaffaney discloses A method for processing event data

generated by a network management system during the monitoring of a network (col.4,

lines 34-50), the method processing event data relating to events previously generated

by the network management system a plurality of times and which may be entered in

the event log as a recurring event (col.4, lines 34-50, col.5, lines 1-49), the method

comprising identifying an event to be processed from the event list; and considering

whether the condition which caused the event to be generated has occurred in a

preceding time period (col.4, lines 34-50, col.5, lines 1-49).

As regarding claim 20, Gaffaney discloses if the step of considering determines

that the condition which caused the event to be generated has not occurred in the

preceding time period, determining the event to be resolved (col.4, lines 34-50, col.5,

lines 1-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Justice, Jr. et al (us pat 6418469) in view of Kline (us pat 4080589).

As regarding claim 5, Justice discloses all limitations of claim 1 above but does

not disclose in response to receiving the network management data, comparing a first

received value for the monitored characteristic with the predefined threshold, and if the

value is below the predefined threshold, starting a timer, the timer expiring at the end a

predefined time period.

Kline teaches in response to receiving the network management data, comparing a first received value for the monitored characteristic with the predefined threshold, and if the value is below the predefined threshold, starting a timer, the timer expiring at the end a predefined time period (col.2, lines 41-60).

It would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Kline with the method of Justice to start a timer if the value below the predetermine threshold for the purpose of eliminating the repetition of errors occurring within a predetermined time interval (see Kline col.1, lines 35-38).

As regarding claim 6, Kline discloses comparing each subsequent received value for the monitored characteristic with the predefined threshold, and if any value exceeds the threshold cancelling the timer (col.2, lines 41-60). The same motivation was utilized in claim 5 applied equally well to claim 6.

As regarding claim 7, Kline discloses when the timer expires, determining that the monitored value has been below the predetermined threshold for the preceding time period (col.2, lines 41-60). The same motivation was utilized in claim 5 applied equally well to claim 7.

Claims 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Justice, Jr. et al (us pat 6418469) (hereinafter Justice) in view of Gaffaney et al (us pat 5634008) (hereinafter Gaffaney).

As regarding claim 17, Justice discloses all limitations of claim 1, 16 above but does not discloses comparing the present time with the time of the last occurrence of the event, and, if the time difference is greater than a predetermined time interval, determining that the event is resolved. Gaffaney teaches comparing the present time with the time of the last occurrence of the event (col.3, lines 1-12), and, if the time difference is greater than a predetermined time interval, determining that the event is resolved (col.3, lines 1-12).

It would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Gaffaney to the method of Justice to have comparing the time of the events, if the time difference is greater than a predetermined time interval, determining that the event is resolved for the purpose of eliminating the need for maintenance of multiple timer and for recalculating time intervals in order to determine whether or not prescribed threshold conditions associated with a plurality of events associated with a plurality of devices in communication network have been detected (see Gaffaney col.2, lines 14-29).

As regarding claim 18, Justice discloses the step of determining determines that the event is resolved, the method further comprises marking the recurring event as resolved (col.2, lines 51-67, col.3, lines 1-67, also see Fig.8, mark the date and time of the resolved event).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Gaffaney et al (us pat 5634008) (hereinafter Gaffaney) in view of Justice, Jr. et al (us

pat 6418469) (hereinafter Justice).

As regarding claim 21, Gaffaney discloses all limitations of claim 20 above but

does not disclose marking the event in the event list as resolved. Justice teaches mark

the event in the event list as resolved (col.2, lines 1-67, col.3, lines 1-67, also see figure

8, mark the date and time of the resolved event).

It would have been obvious to one with ordinary skill in the art at the time of the

invention was made to combine the teaching of Justice to the method of Gaffaney to

mark the event in the event list as resolve for the purpose of identify a condition

associated with the network device and to automatically update an event list in

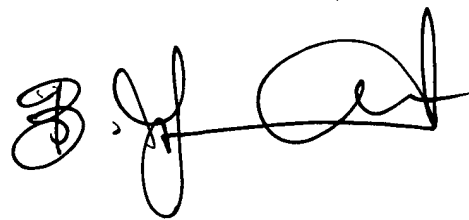response to the condition being resolved (see Justice col.1, lines 25-30).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143
DD

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PRIMARY EXAMINER